

In re application of: Bonnie M. Davis

Serial No.: 10/099,858

Filed: March 14, 2002

For: USE OF MODULATORS OF NICOTINIC RECEPTORS FOR TREATMENT OF COGNITIVE DYSFUNCTION:

Mail Stop AF
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Art Unit.: 1617

Examiner: Renee Claytor

**RESPONSE UNDER
 37 C.F.R. 1.116
 EXPEDITED PROCEDURE
 EXAMINING GROUP
 1617**

NOTE: To take advantage of the expedited procedure the envelope in which this paper is mailed must be addressed as shown and must also be marked "Box AF" in the lower left hand corner. Alternatively, this paper can be hand carried to the particular Examining Group or other area of the Office in which the application is pending, in which case any envelope in which this paper is placed must be marked as in the bold type box above. Notice of Sept. 20, 1985 (1059 O.G. 19-20).

AMENDMENT OR RESPONSE AFTER FINAL REJECTION—TRANSMITTAL

02/13/2008 WASFAW1 00000077 10099858

02 FC:2253

525.00 OP

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

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37 C.F.R. 1.8(a)

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Signature

John Richards

(type or print name of person certifying)

Date: February 11, 2008

Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation. Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

NOTE: Response to Final Rejection—Avoiding Extension Fees “In patent applications wherein a three month Shortened Statutory Period (SSP) is set for response to a Final Rejection, the response would best be filed within two months of the date of the Office Action. If filed within two months, any Advisory Action mailed after the SSP expires will reset the SSP to expire on the date of the Advisory Action for extension fee purposes, but never more than six months from the date of the Final Rejection.” Notice of Nov. 30, 1990 (1122 O.G. 571 to 591).

STATUS

2. The application is qualified as

a small entity.

other than a small entity.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply for a term of up to six (6) months.

EXTENSION OF TERM

NOTE: As to a Supplemental Amendment filed in response to a final office action, the Notice of December 10, 1985 (1061 O.G. 34-35) states:

“If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run.”

(complete (a) or (b), as applicable)

(a) Applicant petitions for an extension of time under 37 C.F.R. 1.136
(fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

| Extension (months) | Fee for other than <u>small entity</u> | Fee for <u>small entity</u> |
|--|---|--------------------------------|
| <input type="checkbox"/> one month | \$ 120.00 | \$ 60.00 |
| <input type="checkbox"/> two months | \$ 460.00 | \$ 230.00 |
| <input checked="" type="checkbox"/> three months | \$ 1,050.00 | \$ 525.00 |
| <input type="checkbox"/> four months | \$ 1,630.00 | \$ 815.00 |
| <input type="checkbox"/> five months | \$ 2,220.00 | \$ 1,110.00 |

Fee \$ 525.00 (being paid with the
Notice of Appeal filed
concurrently)

If additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

| (Col.1) | (Col. 2) | (Col. 3)SMALL ENTITY | | OTHER THAN A | | |
|---|---------------------------------|----------------------|------------------|--------------|--------------|-------------------------|
| | | SMALL ENTITY | SMALL ENTITY | OR | Rate | Addit. Fee |
| Claims Remaining After Amendment | Highest No. Previously Paid For | Present Extra | Rate | Addit. Fee | OR | Rate |
| Total | * | Minus | ** | = | x \$ 25= | \$ x \$50= |
| Indep. | * | Minus | *** | = | x \$105= | \$ x \$210= |
| <input type="checkbox"/> First Presentation of Multiple Dependent Claim | | | + \$185 = \$ | | + \$370 = \$ | |
| | | | Total Addit. Fee | \$____ | OR | Total Addit. Fee \$____ |

* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: See 37 C.F.R. § 1.116.

FEE PAYMENT

5. No additional fee is required.

OR

Total additional fee required is \$ _____.

- Attached is a check in the sum of \$ _____.
- Charge Account No. _____ the sum of \$ _____.
A duplicate of this transmittal is attached.

FEE DEFICIENCY OR OVERPAYMENT

NOTE: *Where there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the case. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. If any additional extension and/or fee is required, charge Account No. 12-0425

AND/OR

If any additional fee for claims is required, charge Account No. 12-0425

AND/OR

Refund any overpayment to Account No. 12-0425.

Reg. No.: 31,053

Tel. No.: (212)708-1915

Customer No.: 00140


SIGNATURE OF PRACTITIONER

JOHN RICHARDS

(type or print name of practitioner)

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00140

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